REMARKS

Claims 1-3, 5, 6, 8, 9, and 11 are pending in this application.

Applicants have amended claims 1-3, 5, 6, 8, 9, and 11, and have canceled claims 4, 7, and 10. The changes to the claims made herein do not introduce any new matter.

Rejection Under 35 U.S.C. § 101

In response to the rejection of claims 9-11 under 35 U.S.C. § 101, Applicants have amended claims 9 and 11 to define a computer-readable storage medium having a program stored thereon (as noted above, claim 10 has been canceled). Applicants respectfully submit that claims 9 and 11 now define statutory subject matter under 35 U.S.C. § 101, and request that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1-11 under 35 U.S.C. § 102(e) as being unpatentable over *Arai* (US 2003/0090726 A1) (as noted above, claims 4, 7, and 10 have been canceled). As will be explained in more detail below, the *Arai* reference does not disclose each and every feature of independent claims 1, 5, 6, 8, 9, and 11, as amended herein.

To distinguish the claimed subject matter from that shown in the *Arai* reference, Applicants have amended each of independent claims 1, 5, 6, 8, 9, and 11 to define the smoothness evaluation function with more specificity. In particular, Applicants have amended each of the independent claims to recite "the smoothness evaluation function having a minimum value when a first distance between a lattice point to be optimized and an adjacent lattice point in a first direction is equal to a second distance between the lattice point to be optimized and an adjacent lattice point in a second direction that is opposite to the first direction, and the smoothness evaluation function increasing in value as a difference between

the first distance and the second distance increases." Support for this change can be found in Applicants' specification at, for example, Paragraph 106.

In the *Arai* reference, the word "smoothly" is used to indicate a degree of the fineness of the trial process for decreasing the amount of color difference (see Paragraph 0087). On the other hand, the "smoothness" evaluation function in the claimed subject matter evaluates a degree of smoothness of the arrangement of multiple lattice points (see, for example, Figures 8-10 and Paragraphs 104-110). As such, the smoothness evaluation function specified in the presently claimed subject matter is significantly different from the "smoothly" concept set forth in the *Arai* reference. Thus, for at least the reason that this reference does not disclose a smoothness evaluation function as defined in the claimed subject matter, the *Arai* reference does not disclose each and every feature of the subject matter defined in claims 1, 5, 6, 8, 9, and 11, as amended herein.

Accordingly, claims 1, 5, 6, 8, 9, and 11, as amended herein, are patentable under 35 U.S.C. § 102(e) over *Arai*. Claims 2 and 3, each of which depends from claim 1, are likewise patentable under 35 U.S.C. § 102(e) over *Arai* for at least the same reasons set forth above regarding claim 1.

Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1-3, 5, 6, 8, 9, and 11, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional

fees are due in connection with the filing of this paper, then the Commissioner is authorized

to charge such fees to Deposit Account No. 50-0805 (Order No. <u>YOKOP013</u>).

Respectfully submitted,
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